

281.625 Hearing on application -- Notice -- Protest -- Exceptions.

- (1)
 - (a) Upon the filing of an application for a certificate or permit or for amendment or for sale, transfer, or lease, or for change in route, or for abandonment of a certificate or permit, the department shall, within a reasonable time, fix the time and place for a hearing.
 - (b) The department shall mail written notice of the hearing, and the right to file a protest, in accordance with the regulations of the department and KRS Chapter 13B, to the applicant and every authorized carrier, including railroads, serving any part of the route proposed to be served or abandoned by the applicant. The department may also give similar notice to any other person, who, in the opinion of the department, may be interested in or affected by the granting of the application.
- (2) If a protest is filed, the department shall hold an administrative hearing on the application. The department, in its discretion, may hold a hearing if no protest is filed. Hearings conducted under this section shall be conducted in accordance with KRS Chapter 13B. Any person having interest in the subject matter may, in accordance with the regulations prescribed therefor, file a protest to the granting, in whole or in part, of the application.
- (3) If the application is for a nonprofit bus certificate and no protest is filed, the department may grant the certificate without a hearing, provided the provisions of subsection (3) of KRS 281.630 or KRS 281.801 are met.
- (4) The department may, if the application is solely for rights previously granted by the Interstate Commerce Commission, dispense with the holding of a hearing.
- (5) Persons engaged in the transportation in interstate commerce in Kentucky of any commodity exempted by the Interstate Commerce Commission from regulation shall be subject to the same Kentucky requirements and regulations as if the persons were transporting commodities not exempted by the Interstate Commerce Commission, except that in lieu of filing or registering with the department a certificate of public convenience and necessity as issued by the Interstate Commerce Commission, the persons shall apply to the department for a permit or certificate restricted to interstate commerce and the permit or certificate may be issued without a hearing.
- (6) If an applicant has been granted an irregular route common carrier certificate by the Interstate Commerce Commission, the department may grant an irregular route common carrier certificate restricted to operation in interstate commerce, and on the granting of same, it shall notify the Department of Revenue of the applicant's operation.
- (7) The department may grant a permit, upon application, to operate a U-drive-it without the holding of a hearing.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 85, sec. 673, effective June 20, 2005. -- Amended 1996 Ky. Acts ch. 174, sec. 6, effective July 15, 1996; and ch. 318, sec. 194, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 232, sec. 7, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. IV, sec. 20(2). -- Amended 1966 Ky.

Acts ch. 255, sec. 228. -- Amended 1964 Ky. Acts ch. 95, sec. 10. -- Amended 1958 Ky. Acts ch. 130, sec. 9. -- Amended 1954 Ky. Acts ch. 188, sec. 4. -- Created 1950 Ky. Acts ch. 63, sec. 12, effective June 15, 1950.

Legislative Research Commission Note (7/15/96). This section was amended by 1996 Ky. Acts chs. 174 and 318. Where these Acts are not in conflict, they have been codified together. Where a conflict exists between Acts ch. 174 and a nonsubstantive, stylistic amendment in Acts ch. 318, Acts ch. 174 prevails under Acts ch. 318, sec. 358.